United Nations E/C.12/2014/SR.3

Economic and Social Council

Distr.: General
21 July 2014
English
Original: French

Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record of the 3rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 29 April 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10.10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

Sixth periodic report of Ukraine (E/C.12/UKR/6; E/C.12/UKR/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ukraine took places at the Committee table.*

2. **Mr. Mushchynin** (Ukraine) said that civil society organizations had participated in the drafting of the sixth periodic report of Ukraine and that the concluding observations formulated by the Committee after its consideration of the previous report had been circulated in the country. During the period under consideration, the Government had adopted numerous measures to raise the population's standard of living and had launched an extensive pension reform, as a result of which the statutory retirement age for women had been raised from 55 to 60. Care had been taken to ensure that the levels of retirement pensions and the minimum wage had been maintained. Building social housing had been a priority. In 2012, the Government had approved a programme for rehousing Crimean Tartars, the aim of which was to promote their social integration by 2015; it had also adopted a plan for the integration of refugees in the period until 2020 and it had amended the Employment Act to facilitate the hiring of the most vulnerable groups, specifically young people, individuals over 45 and persons with disabilities. In 2013 it had secured the adoption of a law accompanied by a programme to improve occupational health and safety by 2018 and it had focused on strengthening the family unit and reducing the number of divorces. In September 2013, the Prime Minister's Office had approved by decree a series of measures to assist the Roma, the main thrust of which was to provide access to employment and to combat discrimination.

3. On 27 February 2014, the parliament had secured the adoption of a national programme to reduce the current political tensions and strengthen national unity. On 15 April 2014 it had also adopted a law establishing a special legal structure for Crimea, which had been termed a "territory temporarily occupied by the Russian Federation". That structure introduced humanitarian, social and economic measures for persons from that region. The new law protected the indigenous peoples and national minorities of Crimea and guaranteed the realization of their economic, social and cultural rights. In March 2014, the Government had already made provision for assisting families which had left the Autonomous Republic of Crimea and Sevastopol through the payment of allowances to the most vulnerable persons, including retired persons, the unemployed, single mothers and persons with disabilities. A special 24-hour telephone hotline had been set up for displaced persons from that region (including the families of soldiers). They were entitled to free legal aid, help with finding a job, and support from the health and social services. There was also a plan to set up and keep a register of displaced persons from Crimea and to establish a list of available reception facilities. In March 2014 the Cabinet of Ministers had adopted measures to cut State expenditure and ward off a budget deficit.

4. **Mr. Abdel-Moneim** (Rapporteur for Ukraine) said that the State party had always met its reporting obligations on time. The report under consideration was informative, but would have been improved by the inclusion of more of the statistical data needed for a precise assessment of the situation with regard to economic, social and cultural rights in the country.

Articles 1 to 5 of the Covenant

5. **Mr. Tirado Mejía** asked about the scope of the State party's protection of lesbian, gay, bisexual and transgender (LGBT) persons against discrimination based on sexual orientation and how the State party combated the xenophobic behaviour encountered by members of national minorities, which was apparently exacerbated by the current political situation.

6. **Mr. Ribeiro Leão** wished to know the results, backed by statistics, of the programmes for the Roma mentioned in paragraph 23 of the report.

7. **Mr. Schrijver** asked whether the Ukrainian Government accepted the findings of the report which Ivan Šimonović, the Assistant Secretary-General for Human Rights, had drawn up after his two visits to Ukraine in March 2014, which indicated that serious breaches of economic, social and cultural rights and large-scale corruption had been at the root of the popular uprising in 2013–2014. To what extent had the State party referred to the standards set out in the Covenant as benchmarks for requesting the assistance of the International Monetary Fund (IMF), the World Bank or the European Union?

8. **Ms. Shin** asked if the State party was contemplating the ratification of the Optional Protocol to the Covenant, as it had undertaken to do. She would like to know the percentage of persons with disabilities in Ukraine and whether they lived mainly with their families or in residential homes. Had the State party adopted any measures to ensure that they received equal treatment? Despite some measures to guarantee gender equality, the wage gap between men and women amounted to 30 per cent and only 8 per cent of elected representatives were women. What efforts were being made by the State party to combat sexist stereotyping of the roles of individuals in society?

9. **Mr. Sadi** enquired as to the measures which the new Government intended to take to combat torture and guarantee the independence of the judiciary. He wished to know whether the teaching of human rights had been extended, in particular in schools, and whether Ukraine intended to reconsider its position and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

10. **Mr. Abashidze** asked why the Ukrainian parliament had foregone a further reading of the draft law amending certain Ukrainian laws so as to prevent and combat discrimination in Ukraine and to bring that legislation into line with the Covenant and international standards. The contents of the draft law governing the status of national minorities, which had been drawn up in February 2014 by the Ukrainian parliament, would conflict with the European Charter for Regional or Minority Languages and would restrict the possibility of national minorities to use their own language. What specific provision did that text make for preventing discrimination based on the use of a national language and for integrating the numerous ethnic groups living in the territory of Ukraine?

11. **Mr. Kerdoun** requested statistics, disaggregated according to ethnic group, on the violations of economic, social and cultural rights which accounted for a quarter of the complaints filed with the Ombudsman. He asked for details of the Ukrainian Government's National Plan of Action on Roma Inclusion. In which fields were associations representing minorities most active? Did they receive sufficient financial assistance to achieve their goals?

12. **Ms. Bras Gomes** considered that article 24 of the Ukrainian Constitution, which stipulated that only Ukrainian citizens were equal before the law, ran counter to the Committee's position that the rights embodied in the Covenant applied to everyone. Similarly, article 4 of the law prohibiting discrimination did not clearly specify to whom its provisions applied. Did the Act in question really apply to everyone living in the State

party's territory? She wondered if the Ukrainian Government could reformulate the draft law amending the legislative provisions on discrimination in order to add the two additional grounds for discrimination referred to by the Committee in its general comment No. 20, namely sexual orientation and identity, and economic and social situation.

13. What measures had been taken to strengthen the national human rights institution and to safeguard its financial independence? Lastly, why had Ukraine rejected the recommendation made in the context of the universal periodic review concerning the adoption of temporary special measures to improve women's representation?

14. **Ms. Cong** asked whether the laws and regulations scrutinized by the Ministry of Justice to see if they ensured gender equality had been amended in the light of the findings of that analysis and whether those amendments had been adopted by the parliament. Did the central Government allocate funds for the implementation of the National Plan of Action on Roma Inclusion?

Articles 6 to 9 of the Covenant

15. **Ms. Bras Gomes** asked what criteria were used to calculate the employment rate and to work out the share of informal employment and self-employment in the Ukrainian economy. What protection was afforded to workers in the informal sector? What impact had incentives to employ the long-term unemployed had, especially once the period of the employer's exemption from the payment of their social contributions ended? Why had Ukraine not set up a State-funded retirement pension system?

16. **Mr. Ribeiro Leão** enquired about the poverty line in the State party and asked what could be obtained with the minimum wage.

17. **Mr. Martynov** asked how Ukraine planned to combat youth unemployment, which stood at over 17 per cent. He asked for more information about the payment of unemployment benefits, on how the quotas set for the employment of persons living with disabilities by public and private enterprises applied in practice and on how the implementation of such provisions was monitored.

18. What mechanism had been put in place to oblige private enterprises and farms to comply with the statutory minimum wage? Was the Government contemplating the adoption of measures to ensure that the minimum retirement pension was sufficient to ensure a minimum standard of living?

19. **Mr. Schrijver** requested details of the results of the programme to combat youth unemployment in the period 2008–2013 and wished to know if any follow-up was planned.

20. **Ms. Cong** wished to know how many cases of sexual harassment had been detected by labour inspectors and what measures had been taken in that connection.

The meeting was suspended at 11.35 a.m. and resumed 11.50 a.m.

Articles 1 to 5 of the Covenant

21. **Mr. Mushchynin** (Ukraine) said that the Act of 4 October 2012 on the prevention of discrimination buttressed the legal bases for fighting discrimination and defined the powers of State institutions in that respect. In May 2011 the Government had adopted a new migration policy, one of the main thrusts of which was to prevent racism, xenophobia and religious intolerance. In addition, a plan adopted by the Cabinet of Ministers in 2012 to broaden tolerance in society provided for measures to counter xenophobia and racial and ethnic discrimination, primarily through an information campaign, social dialogue and closer cooperation with civil society.

22. A bill that would amend certain laws in order to ensure equal rights and opportunities for men and women had been approved by the Cabinet of Ministers on 23 October 2013. It included a quota whereby 33 per cent of members of political parties, of candidates on electoral lists, of parliamentarians and of those serving on State and local bodies would have to be women. Equal wages for men and women were guaranteed by law irrespective of ethnic origin, religion or political opinion. Statistical data showed, however, that men earned higher wages than women, because more men held senior posts or were engaged in arduous work from which women were barred. In 2012 steps had been taken to raise the minimum wage for women and a programme was under way to achieve wage parity between men and women. Budgetary appropriations would be devoted to a government programme to enhance equal opportunities for men and women by 2015.

23. A bill amending certain Ukrainian laws combating discrimination was aimed in particular at prohibiting discrimination based on sex or ethnic origin in recruitment. The Ministry of Social Affairs and the Ministry of Justice were participating in the drafting of a revised Labour Code in order to delete provisions which might give rise to discrimination.

24. Ukraine intended to bring its legislation into line with the provisions of the Convention on the Rights of Persons with Disabilities. Measures had been adopted to introduce a policy in favour of persons with disabilities and standards had been worked out in cooperation with disabled persons' associations. In 2012, a programme had been adopted with a view to implementing the Convention's provisions by 2015, and an institute had been set up to deal with issues related to persons with disabilities. The Social Protection Fund for Persons with Disabilities had financed the training of persons with disabilities and aid for their recruitment.

25. The National Plan of Action on Roma Inclusion in Ukraine had been adopted in 2013 with a view to combating discrimination and promoting tolerance towards all Ukrainian citizens, irrespective of their origin and guaranteeing their access to employment, social services, culture and housing. Campaigns to create an awareness of the rights of the Roma population had been conducted and in 2013 the employment services had directly informed representatives of Roma associations and training establishments about vacant posts designated for the Roma minority. A project to promote the integration of the Roma had been run between 2011 and 2013 with the assistance of the Council of Europe, while other projects sought to raise the Roma population's awareness of health issues and to improve communication between government bodies and representatives of Roma organizations.

26. Roma citizens were entitled to Ukrainian identity documents, which made them eligible for social benefits. Brochures and guides on the procedure for obtaining a passport had been published for them. On 1 January 2014, the migration service had published an analysis of the situation of identity documents of Roma citizens, the findings of which were available to the Committee. The regions had introduced plans and practical measures to facilitate the integration of Roma families in Ukrainian society (food and housing aid, as well as other benefits).

27. Between 2011 and 2013, 307 court decisions had referred to provisions of the Covenant. The matter of signing the Optional Protocol was under review. Ukraine was experiencing a crisis without precedent since its independence. By the end of 2013 its external debt had amounted to 140 billion dollars, or approximately 80 per cent of its gross domestic product. The current priorities were to sign an agreement with the European Union, to develop good relations with the Russian Federation in all areas and to establish a cooperation programme with the IMF. The authorities wished to reform the judiciary and guarantee its independence, ensure the transparency of public procurement and of the forthcoming presidential elections and lead the country with unity. The minimum subsistence level depended on the category of the population concerned; it was set at 849

hryvnias for economically non-active persons and 1,200 hryvnias for persons who could work.

Articles 10 to 12 of the Covenant

28. **Mr. Pillay** asked what steps had been taken to reduce poverty and whether the Roma were poorer than other groups. Did the Roma have access to adequate, affordable housing and did they have legal security of tenure?

29. **Ms. Ravenberg** requested detailed information on programmes to overcome the disparity between rural and urban areas' access to health care. What measures had been adopted to reduce infant and maternal mortality rates and the number of deaths from HIV/AIDS and tuberculosis?

30. **Mr. Ribeiro Leão** asked the delegation to explain the benchmarks for measuring poverty mentioned in paragraph 390 of the periodic report.

31. **Mr. Tirado Mejía** asked whether domestic violence had been criminalized and whether measures had been adopted to combat child labour. Noting that 18 per cent of the prison population was behind bars for drug-taking, he asked whether the Ukrainian authorities were thinking about adopting a different approach to tackling drug addiction.

32. **Ms. Bras Gomes** asked whether there were enough childcare facilities to enable mothers to work full time if they so wished. She also wished to know if any mechanisms were responsible for ensuring that the social services could absorb the influx of people from Crimea and could meet their needs.

33. **Mr. Dasgupta** wished to know why life expectancy had fallen between 1980 and 2012. He requested the delegation to supply the information promised in paragraph 426 of the replies to the list of issues on measures to address inadequacies in the primary health-care infrastructure, the high cost of care, the persistent shortage of certain drugs, the significant drop in vaccination coverage and the effects thereof.

Articles 13 to 15 of the Covenant

34. **Mr. Schrijver** asked whether human rights education was part of the school curriculum.

35. **Ms. Ravenberg** enquired about the measures taken against the segregation of Roma children in education and what impact they had produced.

36. **Mr. Marchán Romero** referred to annex 3 to the periodic report and asked why children educated in German, Polish and Crimean Tartar were taught in separate groups at preschool level, unlike those receiving instruction in Russian, Hungarian, Romanian and Moldovan. What steps had been taken to prevent the disappearance of the Crimean Tartar language and to give cultural groups financial resources for their cultural programmes?

37. **Mr. Abashidze** drew attention to the fact that, in its report of 15 April 2014 on the human rights situation in Ukraine, the Office of the United Nations High Commissioner for Human Rights stated that the drafting of new language legislation must not be hurried and must include the active involvement of representatives of minorities from the outset. Since some representatives of the current administration did not disguise their hostility to Russian, an animosity which was obvious in the education sector and the cultural life of the country, he asked whether the State party was sincerely endeavouring to integrate minorities and comply with the relevant European standards.

The meeting rose at 1 p.m.